

IN THE DRAWINGS:

Enclosed are new formal drawings of Figs. 2, 2-1, and 3, accompanied by a LETTER TO THE OFFICIAL DRAFTSPERSON. Fig. 2 was amended to delete duplicate reference character "J" and correct reference lines for reference characters "B" and "H". Fig. 2-1 was amended to deleted reference character "F4". Fig. 3 was amended to delete reference character "B3", and amended to add reference characters "C", "G1", "F4", "B2", "I", and "J".

REMARKS

Claim Rejections

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shomei (JP 2000074432 A), hereinafter JP '432, in view of Shyu (US 6,494,589).

Amendments to Specification

Applicant has amended the Specification as noted above to correct reference numerals for a groove and screw holes. No "new matter" has been added to the original disclosure by the foregoing amendments to the Specification.

Drawings

Applicant has amended Figs. 2, 2-1, and 3, as illustrated on the attached formal drawing, accompanied by a LETTER TO THE OFFICIAL DRAFTSPERSON. Fig. 2 was amended to delete duplicate reference character "J" and correct reference lines for reference characters "B" and "H". Fig. 2-1 was amended to delete reference character "F4". Fig. 3 was amended to delete reference character "B3", and amended to add reference characters "C", "G1", "F4", "B2", "I", and "J". No "new matter" has been added to the original disclosure by the amendments to these figures. It is believed the foregoing proposed amendments obviate the outstanding objections to the drawings. Entry of the corrected drawings are respectfully requested.

New Claims

By this Amendment, Applicant has canceled claim 1 and added claim 2 to this application. It is believed that the new claim specifically sets forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and defines subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The primary reference to JP '432 teaches a head lining (1), a sealing fan body (4) driving a plurality of driving wings (6), and an air clarification unit (7) located below the driving wings. The air clarification unit (7) has a neon glow lamp (17).

JP '432 does not teach a securing annular plate located between the upper cover and the lower cover; a plurality of hook rings; a cold cathode ray light tube surrounding the motor and located between the upper cover and the lower cover; the cold cathode ray light tube is connected to and positioned by the plurality of hook rings; one of the plurality of screws is inserted through the protruding piece screw hole of each of the plurality of protruding pieces connecting one of the plurality of hook rings to each of the plurality of protruding pieces; nor does JP '432 teach the lower cover and the cold cathode ray light tube are located above the plurality of fan blades.

The secondary reference to Shyu teaches a lamp shade (7) connected to a base plate (3), and light members (5, 6) connected to a top of the base plate (3).

Shyu does not teach a lower cover; a securing annular plate located between the upper cover and the lower cover; a plurality of hook rings; a cold cathode ray light tube surrounding the motor and located between the upper cover and the lower cover; the cold cathode ray light tube is connected to and positioned by the plurality of hook rings; one of the plurality of screws is inserted through the protruding piece screw hole of each of the plurality of protruding pieces connecting one of the plurality of hook rings to each of the plurality of protruding pieces; nor does Shyu teach the lower cover and the cold cathode ray light tube are located above the plurality of fan blades.

Even if the teachings of JP '432 and Shyu were combined, as suggested by the Examiner, the resultant combination does not suggest: a securing annular plate located between the upper cover and the lower cover; a plurality of hook rings; a cold cathode ray light tube surrounding the motor and located between the upper cover and the lower cover; the cold cathode ray light tube is connected to and positioned by the plurality of hook rings; one of the plurality of screws is inserted through the protruding piece screw hole of each of the plurality of protruding pieces connecting one of the plurality of hook rings to each of the plurality of protruding pieces; nor does the combination suggest the lower cover and the cold cathode ray light tube are located above the plurality of fan blades.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents

on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either JP '432 or Shyu that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither JP '432 nor Shyu disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claim.


Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: August 24, 2006

By:


John R. Guice, Jr.
Reg. No. 39,699

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

CUSTOMER NUMBER: 40144